

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: ASHINC Corporation, <i>et al.</i> , ¹ Debtors.	Chapter 11 Bankruptcy Case No. 12-11564
American Private Equity Partners II, LP, <i>et al.</i> , Petitioners, v. Catherine E. Youngman, Litigation Trustee for ASHINC Corporation, Respondent.	Civil Action No. 22-cv-302-CFC Adv. Proc. No. 21-51179-MFW

**STIPULATION AND NOTICE OF DISMISSAL
WITH PREJUDICE**

This Stipulation is entered into by and between Plaintiff Catherine E. Youngman, in her capacity as the Litigation Trustee and Plan Administrator for ASHINC Corporation and related debtors (the “Trustee” or “Plaintiff”), Defendants Yucaipa American Alliance Fund I, LLC and Yucaipa American Management, LLC (together, the “Yucaipa Defendants”); Defendants American Airlines Master Fixed Benefit Pension Plan Trust, American Private Equity Partners II,

¹ The Debtors in these cases, along with the federal tax identification number (or Canadian business number where applicable) for each of the Debtors, are: ASHINC Corporation (f/k/a Allied Systems Holdings, Inc.) (58-0360550); AAINC Corporation (f/k/a Allied Automotive Group, Inc.) (58-2201081); AFBLLC LLC (f/k/a Allied Freight Broker LLC) (59-2876864); ASCCO (Canada) Company (f/k/a Allied Systems (Canada) Company) (90-0169283); ASLTD L.P. (f/k/a Allied Systems, Ltd. (L.P.) (58-1710028); AXALLC LLC (f/k/a Axis Areta, LLC) (45-5215545); AXCCO Canada Company (f/k/a Axis Canada Company) (875688228); AXGINC Corporation (f/k/a Axis Group, Inc.) (58-2204628); Commercial Carriers, Inc. (38-0436930); CTSINC Corporation (f/k/a CT Services, Inc.) (38-2918187); CTLLC LLC (f/k/a Cordin Transport LLC) (38-1985795); F.J. Boutell Driveaway LLC (38-0365100); GACS Incorporated (58-1944786); Logistic Systems, LLC (45-4241751); Logistic Technology, LLC (45-4242057); QAT, Inc. (59-2876863); RMX LLC (31-0961359); Transport Support LLC (38-2349563); and Terminal Services LLC (91-0847582). Debtors’ address for service of process is 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

LP, California Public Employees' Retirement System, Carpenters Pension Trust Fund For Northern California, Collier Partners 702 LP Incorporated, Clouse S.A., acting in respect of its Compartment 11, Consolidated Retirement Fund, IAM Private Equity, LLC, ILGWU Death Benefit Fund 4, International SIF SICAV SA, Locals 302 & 612 of The International Union Of Operating Engineers – Employers Construction Industry Retirement Trust, National Retirement Fund, New Mexico State Investment Council, New Mexico State Investment Council Land Grant Permanent Fund, New Mexico State Investment Council Severance Tax Permanent Fund, New York City Employees' Retirement System, New York City Fire Department Pension Fund, New York City Police Pension Fund, Eastern Atlantic States Carpenters Pension Fund as successor in interest to Northeast Carpenters Pension Fund, Pacific Coast Roofers Pension Plan, Sanba II Investment Company, State Street Bank And Trust Company (As Trustee On Behalf Of American Airlines Master Fixed Benefit Pension Plan Trust), Steamship Trade Association Of Baltimore, Inc. – International Longshoremen's Association (AFL-CIO) Pension Fund, Teachers' Retirement System Of The City Of New York, United Food And Commercial Workers International Union Pension Plan For Employees, Western Conference Of Teamsters Pension Trust (together, the "LP Defendants"); Los Angeles City Employees' Retirement System, Board of Fire and Police Pension Commissioners of the City of Los Angeles (the "LA Defendants"); and Automotive Machinists Pension Trust (the "Automotive Machinists," and, together with the Yucaipa Defendants, the LP Defendants, and the LA Defendants, the "Defendants").

Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure and Rule 7055(c) of the Federal Rules of Bankruptcy Procedure, the Trustee and Automotive Machinists hereby stipulate and agree that the entry of default against the Automotive Machinists is vacated.

Pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure and Rule 7041 of the Federal Rules of Bankruptcy Procedure, the Trustee and Defendants hereby stipulate and agree that the above-captioned action, including all claims against Defendants, is dismissed with prejudice with each party bearing its own costs, fees and expenses.

Dated: August 10, 2023

FOX ROTHSCHILD LLP

/s/ Seth A. Niederman

Seth A. Niederman (DE Bar No. 4588)
Citizens Bank Center
919 N. Market Street, Suite 300
Wilmington, DE 19801
Tel.: (302) 654-7444
Fax: (302) 656-8920
Email: sniederman@foxrothschild.com

JOSEPH HAGE AARONSON LLC

Gregory P. Joseph
Gila S. Singer
800 Third Avenue, 30th Floor
New York, NY 10022
Telephone: (212) 407-1200
Email: gjoseph@jhany.com

ZAIGER LLC

Jeffrey H. Zaiger
Judd A. Linden
2187 Atlantic Street, 9th Floor
Stamford, CT 06902
Telephone: (917) 572-7701
Email: jzaiger@zaigerllc.com

MOLOLAMKEN LLP

Steven F. Molo
Robert K. Kry
Justin M. Ellis
Ryan Yeh
430 Park Avenue
New York, NY 10022
Telephone: 212-607-8160
Email: rkry@mololamken.com

MOLOLAMKEN LLP

Jordan A. Rice
300 North LaSalle Street
Chicago, IL 60654
Telephone: 312-450-6700
Email: jrice@mololamken.com

COHEN & GRESSER LLP

Douglas J. Pepe
800 Third Avenue
New York, NY 10022
Telephone: (212) 957-7605
Email: dpepe@cohengresser.com

Counsel for Plaintiff Catherine E. Youngman, Litigation Trustee and Plan Administrator

**PACHULSKI STANG ZIEHL & JONES
LLP**

/s/ Laura Davis Jones

Laura Davis Jones (DE Bar No. 2436)
David M. Bertenthal (CA Bar No. 167624)
Peter J. Keane (DE Bar No. 5503)
919 N. Market Street, 17th Floor
P.O. Box 8705
Wilmington, DE 19899-8705 (Courier 19801)
Telephone: (302) 652-4100
Fax: (302) 652-4400
Email: ljones@pszjlaw.com

**GLASER WEIL FINK HOWARD
AVCHEN
& SHAPIRO LLP**

Patricia L. Glaser (admitted pro hac vice)
Gali Grant (admitted pro hac vice)
Matthew P. Bernstein (admitted pro hac vice)
10250 Constellation Blvd.
19th Floor
Los Angeles, CA 90067
Telephone: (310) 553-3000
Fax: (310) 556-2920
Email: pglaser@glaserweil.com

Counsel for Yucaipa

BAYARD, P.A.

/s/ Daniel N. Brogan

Daniel N. Brogan (No. 6154)
600 N. King Street, Suite 400
Wilmington, Delaware 19801
Telephone: 302-429-4266
dbrogan@bayardlaw.com

LOWENSTEIN SANDLER LLP

Michael Etkin
Andrew Behlmann
Nicole Fulfree
Colleen Restel
Scott Cargill
One Lowenstein Drive
Roseland, NJ 07068
Telephone: 973-597-2500
Email: metkin@lowenstein.com

Counsel for the LP Defendants

CROSS & SIMON, LLC

/s/ Kevin S. Mann

Christopher P. Simon (No. 3697)
Kevin S. Mann (No. 4576)
1105 N. Market Street, Suite 901
Wilmington, DE 19801
Telephone: (302) 777-4200
Email: kmann@crosslaw.com

**DANNING, GILL, ISRAEL &
KRASNOFF, LLP**

Uzzi O. Raanan, Esq.
Zev Shechtman, Esq.
Alphamorlai L. Kebeh, Esq.
1901 Avenue of the Stars, Suite 450
Los Angeles, California 90067-6006
Telephone: (310) 277-0077
Email: uraanan@DanningGill.com

Counsel for the LA Defendants

BARLOW COUGHRAN MORALES & JOSEPHSON, P.S.

/s/ Noelle E. Dwarzski

Noelle E. Dwarzski

1325 Fourth Ave., Ste. 910

Seattle, WA 98101-2573

Telephone: (206) 674-5203

Email: noelled@bcmnlaw.com

Counsel for the Automotive Machinists